IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09/03/2004

CORAM

THE HON'BLE Mr. JUSTICE P.D.DINAKARAN

Writ Petition No.1510 of 2003

P.N.Peruvazhuthi,
S/o.Narayanasamy,
No.10/4, Bajanai Koil,
5th Street Lane,
Choolaimedu,
Chennai-94. .. Petitioner

-Vs-

1. The Registrar,
Pondicherry University,
R.Venkataraman Nagar,
Kalapet,
Pondicherry-14.

2. The Controller of Examinations,
Pondicherry University,
R.Venkataraman Nagar,
Kalapet, Pondicherry-14.

3. The Principal,
Dr.Ambedkar Government
Law College,
Lalbahadur Sastri Street,
Pondicherry. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
for the issuance of a writ of Mandamus as stated therein.

For Petitioner : Mr.E.Rajaram

For Respondents : Mrs.G.Thilakavathi-R1
Mr.A.P.Suryaprakasam,
Govt. Advocate (Pondy)-R2&3.

:O R D E R

According to the petitioner, the second respondent-College is entitled

to award 25 marks towards internal assessment under the following headings:-
1. Attendance : 5 marks
2. Test : 10 marks
3. Home Assignment : 5 marks
4. Participation in class teaching : 5 marks
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Total 25 marks
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1.2. Contending that the denial of 10 marks, viz., 5 marks representing home assignment and 5 marks representing participation in class teaching to the petitioner is arbitrary and unreasonable, the petitioner seeks a writ of Mandamus directing the respondents herein to add 1 0 marks to the petitioner with Registration No.3619607 to the subject Law Relating to Wages,

a paper in L.L.M. Course, for the academic year 1992-94 batch, of the University of Pondicherry and to make necessary corrections in the statement of marks and issue provisional degree certificate to the petitioner.

2. Of course, Mr.E.Rajaram, learned counsel appearing for the petitioner, places reliance on the decision of this Court dated 20.12.2000 passed in Writ Petition No.16850 of 1994 and the operative portion of the same reads as follows:-
" 2. According to the learned Senior Counsel appearing on behalf of the petitioners, they have completed the two years P.G. Course in Law. However, the petitioners were awarded very low marks in the internal examination in the first paper in the III Semester, viz., Law relating to wages. He has also stated that no home assignment was given and that no arrangement of facility was made to them for participating in the class teaching for awarding marks under those heads. According to him, the internal assessment is composed of four criteria and the marks are awarded to the students are based on the following guidelines:-
1. Attendance : 5 marks
2. Test : 10 marks
3. Home Assignment : 5 marks
4. Participation in class
teaching : 5 marks
--
Total 25 marks
==
From the copy of the mark list obtained by all the students of Branch-I, it is seen that for the third semester alone, low marks were awarded and the submission of the learned counsel for the petitioner is that no mark could have been awarded for home assignment and participation in class teaching in as much as the examiners did not provide the candidates with home assignment and facility to participate in class teaching. According to him, the students cannot be faulted and free marks under those categories cannot be denied to them. I find much force in the submission. It is further seen that even the two students who have secured 15 and 20 marks respectively were also not awarded marks for the two assignments. In the above circumstances, the

non-valuation and the result based on that, non-valuation cannot be sustained. The writ petition is, therefore, liable to be allowed on that short ground alone.
3. Hence, the results relating to the internal examination of the third semester in respect of the first paper for Branch-I students, namely, Law Relating to Wages are hereby set aside and the respondents are directed to award the full internal examination marks, namely 5 marks for Home Assignment and 5 marks for participation in Class Teaching, totalling 10 marks in addition to the marks already obtained by them as per the assessment and test."

3. In the said order, the objections made on behalf of the second respondent-college therein and the reasons for not awarding the said 10 marks were not dealt with.

4. In the instant case, a detailed counter- affidavit has been filed on behalf of the third respondent-College to the effect that award of 10 marks viz., 5 marks representing home assignment and 5 marks representing participation in class teaching is not automatically as a matter of course, as the same is not free marks; but could be awarded purely based on the performance of the student concerned.

5. In my considered opinion, where the academic body applies the rules in a bona fide manner to all the candidates equally, this Court has no jurisdiction to interfere with the internal working of the academic institution and to relax or rewrite the rules, vide Krishna Priya Ganguly v. University of Lucknow, reported in 1984 1 SCC 307. In any event, it is trite law that the Court while exercising the power conferred under Article 226 of the Constitution of India, should go slow in the matter of education, especially in the matter of maintaining the standard of education, which is

purely and totally within the purview of the educationists. Any deviation in this regard would be a great damage to the very education system. Hence, finding no merits, the writ petition is dismissed. No costs.

Index : Yes
Internet: Yes

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To,
1. The Registrar,
Pondicherry University,
R.Venkataraman Nagar,
Kalapet,
Pondicherry-14.

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